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The State of South Carolina
General Assembly
Legislative Audit Council
Sunset Review of the
Board of Pharmaceutical Examiners
July 23, 1980

THE STATE OF SOUTH CAROLINA

GENERAL ASSEMBLY

LEGISLATIVE AUDIT COUNCIL

SUNSET REVIEW OF

BOARD OF PHARMACEUTICAL EXAMINERS

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REPORT SUMMARY

Act 608 of 1978 mandates the establishment of "... A system for the Review, Termination, Continuation or Reestablishment of State Agencies, Boards, Departments and Commissions." This is commonly referred to as the "sunset" act. Under this section of the law the General Assembly has set up a process for the "systematic review" of certain governmental entities so that it might be in a "better position to evaluate the need for their continuation, reorganization or termination." Section 6 of the Act lists 40 agencies, boards and commissions which are to be reviewed and sets termination dates for these entities. The Board of Pharmaceutical Examiners is scheduled to terminate on June 30, 1981.

Pharmacists are the primary dispensers of drugs and medical preparations. Likewise, pharmacies, be they located in the traditional "drug store" setting or a hospital, are a primary repository of drugs. State regulation provides the public a means to identify those individuals qualified to practice pharmacy and those places suitable to store and dispense drugs. During the review of the Board of Pharmacy the Council noted several areas where improvements are needed. They are:

- There is a need to increase the ability of the Board to investigate complaints. At present the Board investigator also acts as the Executive Secretary of the Board and, as the State's Chief Drug Inspector, is responsible for inspecting over 800 pharmacies statewide. Because violation of the law concerning pharmacy and its practice could easily result in

harm or injury, it is in the public interest to investigate complaints quickly and completely. In order to perform this function in the most efficient and effective manner, the Board should coordinate its efforts in this area with those of other medically oriented Boards (see p. 13).

- There is a need to modify penalties which can be levied against pharmacists for violation of the pharmacy practice act. Currently, the Board's only recourse against a pharmacist is to revoke his/her license. The ability to use monetary fines, suspensions or other actions would enhance the ability of the Board to respond to problems (see p. 14).
- The Board has no public members. In order to ensure that the public has adequate input into the decision-making process and regulation of the field of pharmacy, public members should be added to the Board (see p. 15).

Overall, the Council found that the Board has performed its duties in an efficient and effective manner. In fact, considering the size and responsibilities of its staff, the Board has done a commendable job in serving the public. However, there is a need for the Board to increase its capabilities especially in the areas of complaints and inspections. The recommendations in the report address these areas and propose solutions which should increase the Board's effectiveness.

In performing this audit, the Council examined Board files, records and memos. Interviews were held with Board members, Board staff and

officials from other State agencies. Several Board meetings were attended. Board policies, procedures and statutes were also examined. The following report is divided into two sections; Board Review and Sunset Issues and Evaluation.

BOARD REVIEW

Background

The South Carolina Board of Pharmaceutical Examiners was created by Act 28 of 1925 and assigned the responsibility of regulating "the practice of pharmacy, the operation of drug stores and pharmacies and the compounding, dispensing and the sale of drugs, medicines, poisons and physicians' prescriptions." Additionally, the Board examines candidates for licensure and issues licenses to those qualified to practice pharmacy and issues operating permits to pharmacies in the State.

The Board certifies practical training experience for pharmacy interns, the majority of which are in attendance at the two colleges of pharmacy in the State. The Board also processes applications for reciprocal licensure and issues licenses to those eligible. Administrative hearings are held relative to disciplinary action against pharmacies and pharmacists. The Executive Secretary, who is also the Chief Drug Inspector and Complaints Investigator, visits and inspects the pharmacies of the State to determine compliance with the pharmacy laws, rules and regulations.

Prior to June 30, 1976, the Board was operated on a part-time basis. However, on July 1, 1976, the Board became a full operational State agency with an Executive Secretary as the agency Director and an Administrative Assistant employed on a full-time basis. Section 40-43-10 of the 1976 South Carolina Code of Laws provides that the Board of Pharmaceutical Examiners consists of seven pharmacists doing business within the State. Six pharmacists are elected by the South Carolina Pharmaceutical Association and are commissioned by the Governor.

Terms of office are for six years. The seventh pharmacist is appointed by the Governor with the advice and consent of the Senate. This member's term runs concurrent with the Governor's. The Board has no public members.

Budget and Staffing

During the FY 78-79 Board expenditures totaled \$66,863 while revenue generated totaled \$84,417. The majority of the expenditures were used for personnel, per diem, travel, examination expenses, and rent (see Table 1). The FY 79-80 appropriation totals \$73,139, and reflects similar expenditure trends including an increase in personnel expenditures and temporary help. The Board projects that \$82,800 in revenue will be collected in fees in FY 79-80.

The Board employs one full-time Executive Secretary, (agency director) who is also the State's Chief Drug Inspector/Complaints Investigator and, a full-time Administrative Assistant. The Executive Secretary's main function as the chief drug inspector is to inspect the pharmacies of this State. He also handles complaints and all other administrative functions on behalf of the Board. The Administrative Assistant handles clerical work and other routine Board business.

The Council examined Board travel, purchasing, per diem, inventory and other administrative records and found the Board to be efficient, effective and in compliance with State requirements. Overall, it is the Council's assessment that the Board staff performs a large volume of work in comparison with Boards of similar size.

TABLE 1

SOUTH CAROLINA BOARD OF PHARMACEUTICAL EXAMINERS

Statement of Revenue Expenditures and Appropriations
Five-Year Period Ended June 30, 1980

<u>Revenue Generated</u>	<u>1975-76</u>	<u>1976-77</u>	<u>1977-78</u>	<u>1978-79</u>	<u>1979-80</u> (Estimated)
Examination Fees	\$ 8,640	\$ 4,980	\$ 9,540	\$15,900	\$15,000
Reciprocity Fees	6,120	5,180	4,085	10,680	7,500
New Pharmacy Permit Fee	2,070	1,950	3,570	2,700	2,250
License Renewal Fees	8,128	33,112	36,423	38,649	39,750
Permit Renewal Fees	980	15,200	15,540	15,920	17,800
Miscellaneous Revenue (1)	1,542	424	800	568	500
Balance from Previous Year (2)	<u>31,279</u>	-	-	-	-
Total Revenue	<u>\$58,759</u>	<u>\$60,846</u>	<u>\$69,958</u>	<u>\$84,417</u>	<u>\$82,800</u>
<u>Expenditures</u>					
Personal Services	\$ 9,445	\$25,109	\$28,309	\$30,672	\$33,508
Per Diem - Board	1,050	1,750	2,175	3,690	4,200
Travel	9,969	8,442	11,300	10,931	12,095
Telephone	955	689	630	1,140	895
Printing, Binding & Advertising	1,151	947	473	183	50
Examination Expenses	4,629	-	-	4,689	7,500
Misc. - Contractual Expenses	392	36	201	11	50
Audit Fees	810	-	-	-	-
Legal Fees	1,200	-	-	-	-
Office Supplies	1,651	1,779	1,711	769	800
Training Program	455	560	-	140	-
Postage	2,716	2,540	2,233	2,600	2,600
Contributions and Dues	200	200	200	220	200
Office Equipment	24,136	2,069	52	1,235	220
Rent	-	3,767	3,682	5,394	6,776
Other Supplies	-	3,400	4,747	552	600
Miscellaneous	-	693	5,129	2,208	1,050
Insurance	-	-	-	247	100
Repairs	-	-	-	869	1,000
Temporary Positions	-	-	-	1,313	1,495
Total Expenditures	<u>\$58,759</u>	<u>\$51,981</u>	<u>\$60,842</u>	<u>\$66,863</u>	<u>\$73,139</u>
State Appropriations	<u>-</u>	<u>\$54,050</u>	<u>\$63,903</u>	<u>\$71,223</u>	<u>\$79,243</u>

Source: South Carolina Budget and Control Board

- (1) Miscellaneous Revenue is generated from the sale of pharmacy law books, lists of pharmacists and pharmacies in South Carolina, grade certification for candidates reciprocating out of state, and duplicate licenses charges.
- (2) In 1976 the Board came under the Comptroller General and these balances went into the general fund.

Licensing and Examination Process

(1) Licensure

Section 40-43-50 of the 1976 South Carolina Code of Laws requires an applicant for licensure to:

- (1) Be of good moral character and temperate habits.
- (2) Be 21 years of age.
- (3) Have a high school diploma.
- (4) Have graduated from an accredited college of pharmacy.
- (5) Have passed the examination given by the Board of Pharmacy.
- (6) Have completed 1500 hours of intern experience registered with the Board.

The Audit Council examined these requirements and found that the licensure requirements of age and good moral character measure neither the skill, competency, or ability of a pharmacist nor do they offer the public any indication of professional qualifications. The minimum age requirement should be eliminated and the term "good moral character" defined by measurable, objective standards.

RECOMMENDATION

SECTION 40-43-50 SHOULD BE AMENDED TO OMIT
OR MODIFY LICENSURE REQUIREMENTS CONCERNING
AGE AND GOOD MORAL CHARACTER.

(2) Examination

Examinations for licensure are given three times a year, usually in March, June, and September. The Board uses the

National Association of Boards of Pharmacy Licensure Examination (NABPLEX) prepared by the NABPLEX Review Committee assisted by Educational Testing Services (ETS) of Princeton, New Jersey. The examination consists of five parts: Mathematics, Pharmacology, Chemistry, Pharmacy, and Practice of Pharmacy. Also given is an examination on Federal law prepared and graded by the National Association of Board of Pharmacy. Additionally, a jurisprudence examination on the State's pharmacy and drug laws is prepared by a member of the Board. The Executive Secretary is present at all examinations to assist candidates as well as proctor the exam.

The primary objective of the examination is to evaluate the candidate's ability to safely and legally dispense drugs and drug products to the consumer. All questions on the examination are multiple choice. The examinations are graded by ETS with the exception of the jurisprudence exam which is graded by the Board member who prepares this section. This Board member may deny a candidate licensure if the candidate fails this section with a score of lower than sixty percent. However, all examination papers are subject to regrading.

During calendar year 1978, 301 South Carolina applicants took the examination. Of those taking the exam, 218 or 72% passed. Although the national passing average for the January 1978 exam was not available, the average for the June and September 1978 exams was 79.12%. In 1979, 207 applicants took the exam. Of these, 124 or 60% passed. The national average for this year was 80.44% passing (see Table 2).

TABLE 2

Statistical Examination Data for Calendar Years 1978 and 1979

<u>Dates Given</u>	<u>Number Passed</u>	<u>%</u>	<u>Number Failed</u>	<u>%</u>	<u>Total Number Tested</u>	<u>National Passing Average</u>
January 1978	38	79	10	21	48	Not Available
June 1978	138	76	42	24	180	79.16
September 1978	42	57	31	43	73	79.08
March 1979	31	51	30	49	61	80.34
June 1979	67	66	34	34	101	81.32
September 1979	26	57	19	43	45	79.68

(3) Fees

The total operating cost for the Board of Pharmacy is derived from State appropriations which are, in turn, recouped by charging licensing fees, permit fees and examination fees. The license renewal fee and the permit renewal fee account for most of the revenue (see Table 3). In FY 1977-78 the fees charged by the Board totaled \$69,158. Fee collections increased to \$83,849 in FY 78-79. The Board estimates that fee collections will amount to \$82,800 in FY 79-80.

TABLE 3

SCHEDULE OF FEES

Examination	\$ 75.00
Reciprocity	\$120.00
New Pharmacy Permit	\$ 30.00*
License Renewal	\$ 15.00
Permit Renewal	\$ 20.00*

* Effective July 1, 1980 the new pharmacy permit fee and the permit renewal fee will be increased to \$100 and \$30, respectively.

(4) Reciprocity

The Board has reciprocal licensure agreements with all the other states except California, Florida and Hawaii. These three states do not reciprocate with other states. Board procedure requires the reciprocity candidate to submit a preliminary application through the Secretary of the Board and the National Association of Boards of Pharmacy. The completed form must be returned to the Board thirty days prior to the Board meeting in which the reciprocity candidate wishes to be interviewed. Upon receipt of the application for reciprocity, the Board advises the candidate of a time and place to appear for a personal interview. If the candidate has worked in a pharmacy for at least one year since his/her original licensure only the jurisprudence exam must be taken. If the candidate has not worked in a pharmacy for at least one year since licensure, he/she must be examined in practical pharmacy in addition to taking the jurisprudence exam. During calendar year 1978 the Board accepted 61 pharmacists through reciprocity and 41 in 1979 (see Table 4).

TABLE 4
Statistical Data on Reciprocity for the Past Two Years

<u>Dates Candidate Was Considered</u>	<u>Number Accepted</u>	<u>%</u>	<u>Number Denied</u>	<u>%</u>	<u>Total Number Of Candidates</u>
January 1978	8	89	1	11	9
June 1978	24	83	5	17	29
September 1978	29	88	4	12	33
March 1979	5	29	17	71	22
June 1979	19	59	13	41	32
September 1979	17	49	18	51	35

Complaints and Disciplinary Action

The Board receives complaints against pharmacists from consumers, other pharmacists and other State agencies. Most complaints are from the general public. The response time to investigate a complaint may range from several days to a month depending upon the seriousness of the allegation and the schedule of the investigator/drug inspector.

Upon investigation of a complaint the investigator may, verbally and through correspondence, address the specific deficiency within the pharmacy in question. More serious cases are referred to the Board or, if narcotics laws are violated, to the Department of Health and Environmental Control (DHEC). The Board cannot take action against an individual pharmacist until he/she has been prosecuted in a court of law. At this point the Board may hold a hearing, take testimony, and hear arguments. By law the only significant action the Board can take is to revoke the individual's license. It is not empowered with the authority to impose a monetary fine or suspend a license. The

Board does have more flexibility in cases where the offending party also owns the pharmacy. In many of these cases the Board has revoked and then immediately reinstated a pharmacy permit. This causes a hardship on the owner because of the time and expense taken to reapply and receive a new permit.

From calendar year 1976 to March 1980 there have been 117 complaints (see Table 5). The most frequent complaints received allege:

- Dispensing expired drugs.
- Dispensing the wrong medication.
- Unsanitary prescription departments.
- Dispensing prescriptions with the incorrect directions for use.
- Non-registered persons filling prescriptions when no pharmacist is on duty.

TABLE 5
COMPLAINTS RECEIVED FOR THE PERIOD 1976-1980

<u>Year</u>	<u>Total #</u>
1976-77	29
1977-78	30
1978-79	33
1979-80	<u>25</u> (as of 3-7-80)
Total	117

State law provides that the Board may reinstate a license at any time. According to Board staff, all licenses which have been revoked in the past have been reinstated with the exception of four recent cases. All four of these revocations were the result of narcotics law violations.

Audit Council examination of the Board's complaint and disciplinary policies, procedures and practices revealed that the Board is performing these functions efficiently and effectively. However, there are several changes which, if made, should result in a larger degree of public protection.

(1) Need to Increase the Board's Investigative Capability

Currently the Board does not have adequate staff to fully investigate complaints. This is because of the many varied duties of the investigator. This same person is also the Board's Executive Secretary and the State's Chief Drug Inspector. As the Executive Secretary, he is responsible for (1) the daily administration of the Board, (2) the coordination of the efforts of the Board with DHEC, the Federal Government and other entities. As the Chief Drug Inspector, he is responsible for the inspection of more than 800 pharmacies across the State. With this multitude of tasks, it is extremely difficult to investigate all allegations fully and in a timely manner.

The investigation and inspection tasks are among the most important the Board performs since they directly affect the manner in which the public is protected. Because of the current limited capability of the Board to respond to complaints, some complaints may not be acted upon for several weeks. Also each pharmacy may not be inspected for several years at a time.

RECOMMENDATION

THE BOARD SHOULD MOVE TO INCREASE ITS
CAPABILITY TO INVESTIGATE COMPLAINTS. IN

ORDER TO PERFORM THIS FUNCTION IN THE MOST EFFICIENT AND ECONOMICAL MANNER, THE BOARD SHOULD COORDINATE ITS EFFORTS IN THIS AREA WITH THOSE OF OTHER MEDICALLY-ORIENTED BOARDS.

(2) Need to Modify Penalties for Pharmacists

Currently, the only recourse the Board has when dealing with pharmacists or pharmacies which have violated the law is license revocation. There is no provision for the use of reprimands, suspensions, monetary fines or other disciplinary mechanisms. Without such penalties, it is difficult to enforce the pharmacy law or protect consumers. The Board may be reluctant to pursue a case because of the lack of adequate alternatives. This places the Board in the position of only having the "power of persuasion" in dealing with minor violations.

The use of monetary fines, suspensions and other measures gives regulatory agencies a greater range of selectivity in administering the law. Modifications of this type serve the public, the Board and the violator by providing that punishment is both consistent and fair.

RECOMMENDATION

THE PHARMACY ACT SHOULD BE AMENDED TO ALLOW FOR FINES, SUSPENSION AND OTHER SANCTIONS.

Public Participation

There has been some effort by the Board to encourage public participation. Notices of all meetings are published in the Board's newsletter, the South Carolina Pharmaceutical Association Journal and are sent to news services. Members of the general public have attended Board meetings. The Board is presently revising its laws and has held public hearings as mandated by statute relative to proposed regulations. These hearings have also been advertised.

According to Board members, the Board unanimously supports the inclusion of public members on the Board. At present, there are no public representatives. Several members interviewed stated that a public member would add a fresh approach to the Board, give an unbiased point of view, and provide good outside information.

RECOMMENDATION

SECTION 40-43-10 SHOULD BE AMENDED TO
PROVIDE FOR THE ADDITION OF PUBLIC MEMBERS
TO THE BOARD OF PHARMACEUTICAL EXAMINERS.

Professional Education

South Carolina has no requirements which mandate continuing education for pharmacists. Continuing education is recognized as an effective tool in maintaining professional expertise. Presently there are twenty-one states which require pharmacists to earn continuing education credits as a prerequisite for relicensure. There are uniform national

standards regarding the types of educational programs which are recognized and accredited. Currently, the South Carolina Board has proposed legislation to mandate continuing education.

Continuing education is necessary due to the increasing changes in the health care field. There has also been significant changes in the practice of pharmacy such as the advent of clinical pharmacy and nuclear pharmacy. Although many pharmacists do participate in some continuing education, the public should be assured that all pharmacists are aware of the latest improvements and changes in health care.

The purpose of continuing education is to disseminate technical information to the pharmacist in the interests of the profession and the public. Mandatory continuing education would provide the Board of Pharmacy a means to monitor and evaluate the progress of its pharmacists and should aid in protecting the public welfare by ensuring a minimal standard for continued competence.

Inspections

As mandated by the Pharmacy Act, the Board conducts inspections of all pharmacies holding permits in the State. At present, 825 pharmacies are located in South Carolina. During inspections the Chief Drug Inspector enforces compliance with the rules and regulations governing the practice of pharmacy and the storage and dispensing of drugs. Inspections cover technical equipment, prescriptions and prescription files, stock and advertising. From calendar year 1976 to March 1980, there have been 525 inspections. The inspector inspects about 200 pharmacies each year or, on the average, once every four years. Pharmacies with complaints get the first priority when determining which are selected to be inspected (See Table 6).

TABLE 6
INSPECTION SUMMARY 1976-1980

<u>Year</u>	<u>Routine Inspections</u>	<u>New Pharmacy Inspections</u>	<u>Non-Pharmacy Inspections*</u>	<u>Total</u>
1976-77	30	47	0	77
1977-78	66	112	2	180
1978-79	72	111	4	187
1979-80 (As of 3-7-80)	<u>29</u>	<u>51</u>	<u>1</u>	<u>81</u>
Total	197	321	7	525

* Unlicensed chain stores, grocery stores, etc.

The Board is responsible for inspecting all drugs and drug records with the exception of controlled substances. The inspection of controlled substances and their records are under the jurisdiction of the Bureau of Drug Control at the Department of Health and Environmental Control (DHEC). DHEC has 11 inspectors and in FY 78-79 performed 654 inspections and 40 audits. These inspections covered inventories, purchasing records, dispensing records, drug security and other areas.

The Council found that efforts between the Board and DHEC are coordinated to a large extent and that, although there may be some duplication of effort, the two agencies are essentially looking at different aspects of the field (i.e., compliance with the pharmaceutical practice act versus controlled substance inspections).

As previously mentioned, the Board has little real power to deal with violators of its laws. Pharmacies with violations are given a letter of "admonition" and instructed to rectify their errors. The Board may

also revoke the permit of an establishment. DHEC, on the other hand, not only can revoke a permit but also has the power to impose fines. According to DHEC officials these tactics have been very successful in remedying inadequate management of controlled substances.

SUNSET ISSUES AND EVALUATIONS

Act 608 of 1978, known as the Sunset Law, contains a series of eight issues which must be addressed in the review of each agency. These requirements encompass the areas of efficiency and effectiveness which will help determine the termination, continuation, or reestablishment of the agency and will also supply to the General Assembly an indication of the agency's public responsiveness and regulatory compliance. A summary of these issues and Audit Council's responses are presented in the following section.

- (1) DETERMINE THE AMOUNT OF INCREASE OR REDUCTION OF COSTS OF GOODS AND SERVICES CAUSED BY THE ADMINISTERING OF THE PROGRAMS OR FUNCTIONS OF THE AGENCY UNDER REVIEW.

The Board of Pharmaceutical Examiners has not caused any increase or decrease in the cost of goods and services due to its regulatory function. The Board has no direct influence on consumer prices. The cost of regulation is included in the fees paid by the pharmacists and it is doubtful that Board fees have resulted in higher prices to the public. The Board has possibly aided decreasing costs to the public due to its support of the "drug substitution" or product selection law. This law enables pharmacists, with patient and physician approval, to substitute comparable but less expensive drugs when filling prescriptions. The Audit Council has found no measurable cost increases or reduction as a result of the administration by the Board.

(2) WHAT ECONOMIC, FISCAL AND OTHER IMPACTS WOULD OCCUR IN THE ABSENCE OF THE ADMINISTERING OF THE PROGRAMS OR FUNCTIONS OF THE AGENCY UNDER REVIEW?

The termination of the Board of Pharmacy would have a adverse effect on the health, safety and welfare of the citizens of the State. The Board was created in 1876 to regulate the practice of pharmacy in South Carolina and safeguard the publics interest. The Board has sought to fulfill its responsibilities by the licensure function and the investigation/inspection process. Without the licensure process, there would be no minimal assurances that the pharmacist dispensing a prescription is competent and professionally trained. Without inspections there would be no minimum standards for quality, safety and cleanliness with the resultant dangers of contamination. Also, there would be little recourse for the public in the area of complaints, without the Board.

(3) DETERMINE THE OVERALL COSTS, INCLUDING MANPOWER, OF THE AGENCY UNDER REVIEW.

In FY 78-79 the Board of Pharmacy collected \$84,417 in fees and spent \$66,863. The Board employs two staff members and last year obtained part-time assistance which accounted for \$1,313 (1.96%) of its FY 78-79 expenses. A detailed analysis of State appropriations, revenue and expenses for the five-year period ended June 30, 1980 is presented in Table 1, on page 6.

- (4) EVALUATE THE EFFICIENCY OF THE ADMINISTRATION OF THE PROGRAMS OR FUNCTIONS OF THE AGENCY UNDER REVIEW.

The Audit Council's review of the Administration of the Board of Pharmacy revealed compliance with all applicable regulations as promulgated by the Comptroller General and Budget and Control Board. The Council reviewed all areas of Board administration and found it to be efficient and effective. Documents were readily available and properly maintained. Guidelines recommended by the National Association of Board of Pharmacy concerning testing procedures have been followed to assure confidentiality, fairness and validity in administering the uniform national exam. Analysis of the cost efficiency in the major expenditure areas revealed efficient utilization of resources. However, the Board is in need of increased investigation/ inspection capability (see p. 13).

- (5) DETERMINE THE EXTENT TO WHICH THE AGENCY UNDER REVIEW HAS ENCOURAGED THE PARTICIPATION OF THE PUBLIC AND, IF APPLICABLE, THE INDUSTRY IT REGULATES.

The Board has encouraged participation of the public and the industry into its activities. Board meetings are open to the public and such meetings are advertised in journals, newsletters and newspapers. The Board publishes a quarterly newsletter which is distributed to each pharmacist registered in the State. Other interested individuals, boards, colleges and firms also receive the newsletter. The Board has proposed modifying its enabling legislation and has requested input concerning these proposals from the

public, the State Pharmacists Association, the Narcotics Division of DHEC, both State colleges of pharmacy, other medical boards and the South Carolina Society of Hospital Pharmacists. Also, open hearings have been held relative to the proposed legislation. The Board is on record as supporting the addition of public members to the Board.

- (6) DETERMINE THE EXTENT TO WHICH THE AGENCY DUPLICATES THE SERVICES, FUNCTIONS AND PROGRAMS ADMINISTERED BY ANY OTHER STATE, FEDERAL OR OTHER AGENCY OR ENTITY.

The Board duplicates no function of any other State, Federal or other agency. The Board of Pharmacy is the only agency authorized to administer the laws, rules and regulations governing the practice of pharmacy in South Carolina. DHEC's Bureau of Narcotics and Drug Control does investigate violations of the Controlled Substances Act. However, this does not duplicate the Board's function of inspecting pharmacies and non-controlled drugs as mandated in the practice act. The Federal Drug Enforcement Administration usually makes no investigations of retail pharmacies or hospitals without a request from a State agency.

- (7) EVALUATE THE EFFICIENCY WITH WHICH FORMAL PUBLIC COMPLAINTS FILED WITH THE AGENCY CONCERNING PERSONS OR INDUSTRIES SUBJECT TO THE REGULATION AND ADMINISTRATION OF THE AGENCY UNDER REVIEW HAVE BEEN PROCESSED.

The Board receives and investigates all complaints. Complaints have come from consumers and pharmacists concerning matters ranging from dispensing the wrong medication to non-registered persons filling prescriptions. However, the Board is in need of an expanded ability to investigate public complaints (see p. 13).

- (8) DETERMINE THE EXTENT TO WHICH THE AGENCY UNDER REVIEW HAS COMPLIED WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL STATUTES AND REGULATIONS.

The Board of Pharmaceutical Examiners is not subject to any Federal or local legislation and is limited only by South Carolina law. The Audit Council reviewed all applicable laws and regulations pertaining to the Board and attempted to verify their consistent and equitable application. The Audit Council has determined the Board to be in compliance with all appropriate statutes and regulations.

APPENDIX

The Board of Pharmaceutical Examiners
of South Carolina



JOHN C. WILKIE, JR.
EXECUTIVE SECRETARY

P. O. BOX 11927 1026 SUMTER ST.
COLUMBIA, SOUTH CAROLINA 29211

(803) 758-5447

July 1, 1980

George L. Schroeder, Director
Legislative Audit Council
State of South Carolina
500 Bankers Trust Tower
Columbia, South Carolina 29201

Dear Mr. Schroeder:

The following is in response to the Legislative Audit Council's report relative to the Board of Pharmaceutical Examiners of the State of South Carolina.

Although your report is a most satisfactory report on behalf of this Board, we would like to take this opportunity to respond to those few recommendations suggested by the Legislative Audit Council.

You refer to the qualifications of applicants for examination as registered pharmacists, as set out in Section 40-43-50 of the Pharmacy Act, and suggest that the age limit of twenty-one (21) and the wording "good moral character" be removed. The members of this Board agree with you and have voted to delete the age requirement and the "moral character" statement in the examination requirements.

With respect to your recommendation for this Board to move to increase the capability to investigate complaints, this Board concurs with the recommendation that we need additional inspectors for complaint investigations. We recommend that any excess funds collected by this Board be used to increase such capabilities by the employment of an additional inspector. In order to perform this function in the most efficient and economical manner, the Board requests that such excess funds be used for this purpose.

The Board of Pharmaceutical Examiners shall continue to cooperate and communicate with other medically oriented boards, as they have in the past, relative to investigatorial matters.

George L. Schroeder, Director
July 1, 1980
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You also state that the Pharmacy Act should be amended to allow for fines, suspensions, and other sanctions in disciplinary actions by the Board. This Board has had proposed legislation in this regard before the State Legislature in the form of a proposed Pharmacy Practice Act during legislative sessions of 1979 and 1980.

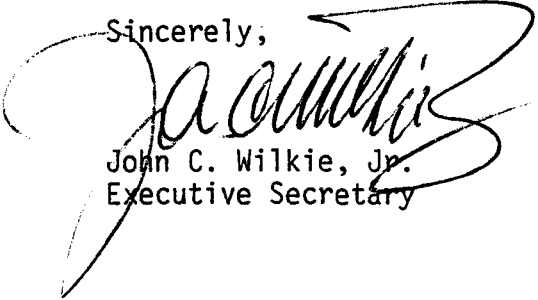
You have suggested that Section 40-43-10 of the Code of Laws be amended to provide for the additon of public members to this Board. Again, we have had proposed legislation regarding the addition of public members to this Board before the Legislature for the past two sessions, in our proposed Pharmacy Practice Act.

With respect to your recommendation of mandatory continuing education for pharmacists, such recommendations were submitted to the Legislature in 1978, as a part of the proposed Pharmacy Practice Act.

The Board of Pharmaceutical Examiners of this State has been working for the past two years on correcting these inadequacies, and we heartily recommend that our proposed Pharmacy Practice Act be passed with expediency to facilitate these problems. We sincerely hope that the Legislative Audit Council recognizes the fact that the proposed Pharmacy Practice Act should be passed.

We appreciate the impartial way this investigation by the LAC was conducted and this Board would like to thank the LAC for a fair and accurate account of the activities of our Board.

Sincerely,



John C. Wilkie, Jr.
Executive Secretary

JCW:rbm

cc: Members of the Board